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THE LEGAL ADVISER

DEPARTMENT OF STATE

WASHINGTON

October 27, 1962

DECLASSIFIED

CONFIDENTIAL

TO: G - Mr. Alexis Johnson

FROM: L - Mr. Abram Chayes

SUBJECT: Assurances re Cuban Security on Reciprocal Basis

In the Cuban statements to the Security Council this week, it was plainly stated that the military buildup in Cuba had been necessitated by the threat of invasion which the Cuban Government apprehended from the United States. The Cuban statements broadly suggested that, if this threat were removed, there would be no need for bases. Acting Secretary-General U Thant has indicated his belief in the necessity for some assurances regarding Cuban security in connection with any dismantling and withdrawal of the Soviet missile bases. The same thought is in the minds of many United Nations Members: They see a certain plausibility in the contention that Cuba's security was threatened by the United States and that this led to the missile bases.

In accordance with your request, we have prepared three drafts containing assurances regarding Cuba's security. These have been drafted with a view to linking the assurances with a requirement for reciprocal conduct on the part of Cuba. The drafting has been done in general language designed to have a maximum acceptability to opinion in the United States.

The substance of whatever assurances the United States would give could be conveyed in any one of a number of different forms. They could be set forth in any instrument recording agreement on removal of the missile bases from Cuba. The assurances, and an appropriate Cuban response, could be set forth in communications to U Thant. Or they could be the subject of parallel declarations by the United States and Cuban Governments, perhaps formally noted by the United Nations Security Council. These are some of the ways in which assurances regarding Cuba's security, and corresponding undertakings on the part of Cuba, could be expressed.

As to the timing of any such assurances, it would seem that they would most appropriately be given in connection with the conclusion of negotiations resulting in dismantling and withdrawal of the missile bases. However, as a means of inducing progress towards this end result, including the negotiation of a standstill agreement (on arms shipments and on activities at the missile bases), it would probably be necessary to indicate at a very early date that the United States would be prepared to give such assurances in connection with dismantling and withdrawal.

As an adjunct to these assurances regarding Cuba's security, we could if necessary give a specific undertaking as to the solely defensive character of the Guantanamo base. There could be added to this a provision for impartial observers at the base to verify compliance. Such an arrangement would be a logical counterpart to Cuban commitments on the elimination of Soviet missile bases.

Inspection

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Inspection by international observers at Guantanamo would balance inspection elsewhere in Cuba. If ground inspection were not accepted by Cuba, then a plan of continuing air surveillence might be adopted and maintained in operation by tacit, if not express, agreement.

We are continuing to consider other possible formulae and methods for stating assurances regarding Cuban security.

L:LMeeker:kfr
10/27/62

R (92)

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ALTERNATIVE A October 26, 1962

DECLARATION ON CUBA

As a member of the Organization of American States, the United States is guided in its policies by the Principles set forth in the Charter of the Organization adopted at Bogota in April 1948. The United States attaches particular importance to the following declaration contained in Article 5 of that Charter: "International order consists essentially of respect for the personality, sovereignty, and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law." In conformity with this declaration, it is the policy of the United States to accord a scrupulous respect for the sovereignty, territorial integrity, and political independence of all the American Republics, including Cuba, expecting in return a like respect and faithful fulfillment of obligations under international law.

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ALTERNATIVE B October 26, 1962

DECLARATION ON CUBA

The Hemispheric community of the American Republics is based on adherence to the Principles set forth in Article 5 of the Charter of the Organization of American States. These principles include the condemnation of aggression; good faith in the relations between States; international law as the standard of conduct in reciprocal relations; and a declaration that international order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law. The United States regards these principles as the foundation of its policy in relations with the other American Republics. It is the desire and purpose of the United States that the relations of this country with Cuba, as with other members of the Organization, shall be founded in a mutual respect for and observance of the Principles set forth in its Charter.

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R (94)

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ALTERNATIVE C

October 26, 1962

DECLARATION ON CUBA

The United States considers of the utmost importance the obligation undertaken by all Members of the United Nations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Charter of the United Nations." Equally, members of the community of nations are bound to refrain from other forms of aggression or interference in the affairs of other states. On a basis of reciprocal respect and observance, the United States declares its adherence to these principles in the relations between Cuba and the United States.

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OC WITH INDICATED POLITICAL EXCISE

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October 27, 1962

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EXCISE

TO: G - Mr. Alexis Johnson

FROM: L - Mr. Abram Chayes

SUBJECT: Assurances re Cuban Security on Reciprocal Basis

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As to the timing of any such assurances, it would seem that they would most appropriately be given in connection with the conclusion of negotiations resulting in dismantling and withdrawal of the missile bases. However, as a means of inducing progress towards this end result, including the negotiation of a standstill agreement (on arms shipments and on activities at the missile bases), it would probably be necessary to indicate at a very early date that the United States would be prepared to give such assurances in connection with dismantling and withdrawal.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY TWAINGERTIN DATE 4/2/84
CLASSIFIED UNDER EO
DECLASSIFIED DATE
REASON(S) 1.3(c)
EXCISE EXISTING MARKINGS
DECLASSIFIED IRREVERSIBLY 1.3(d,k5)
RELEASE DENIED IN PART 1.3(c)
FOR EXEMPTIONS 8-1 No.

ATTACHMENT NO. 4
DOCUMENT NO. 90

(S) [redacted] If ground inspection were not accepted by Cuba, then a plan of continuing air surveillance might be adopted and maintained in operation by tacit, if not express, agreement.

We are continuing to consider other possible formulas and methods for stating assurances regarding Cuban security.

L:Wecker:kfr
10/27/62

ALTERNATIVE A

October 26, 1962

DECLARATION ON CUBA

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ALTERNATIVE B

October 26, 1962

DECLARATION ON CUBA

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ALTERNATIVE C

October 22, 1962

DECLARATION ON CUBA

The United States considers of the utmost importance the obligation undertaken by all members of the United Nations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Charter of the United Nations." Equally, members of the community of nations are bound to refrain from other forms of aggression or interference in the affairs of other states. On a basis of reciprocal respect and observance, the United States declares its adherence to these principles in the relations between Cuba and the United States.

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THIS DOCUMENT DENIED IN ~~FULL~~ Part

PER J Pechowicz

OFFICE EUR/P

CASE NUMBER 620289 Bernbaum

DATE 6/10/77

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